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10/512,105	08/22/2005	Martijn Van Bcenen	vanBcenen-1(P60583US00)	6843

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EXAMINER	
HSU, AMY R	

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2622	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/512,105

Applicant(s)

VAN BEENEN, MARTIJN

Examiner

Amy Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/22/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 contains the trademark/trade name NEOPRENE®. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a flexible material and, accordingly, the identification/description is indefinite.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-10, 13, 15, 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Dion et al. (US 6419367)

Regarding Claim 1, Dion teaches a glare hood for assembly on a freely set up display (*Col 1 Line 45*), for instance a display of a photo and/or video camera (*Fig. 1*), wherein the glare hood is at least partly manufactured from flexible material (*Col 2 Line 66 through Col 3 Line 6 material with "stretchability"*) which, in a condition in which the glare hood is assembled to the display, applies a clamping force to the display (*Col 3 Lines 40-44 and Col 4 Lines 22-25 teaches the glare reducing apparatus is slightly smaller in size than the monitor it covers and thus must be stretched wider to accommodate the monitor, therefore causing the fit to be rigid by some amount of force caused by the stretchable material*).

Regarding Claim 2, Dion teaches a glare hood according to claim 1, wherein the glare hood is provided with at least one recess for sliding the display into (*Fig. 1 reference number 34 and Col 3 Lines 38-39*).

Regarding Claim 3, Dion teaches a glare hood according to claim 2, wherein said recess is at least partly bounded by said flexible material (*Fig. 1 shows the recess, 34, which is bound by the same material as the apparatus which is flexible material as taught in Col 3 Lines 1-6*).

Regarding Claim 4, Dion teaches a glare hood according to claim 1, which glare hood comprises a tubular part (*Col 4 Lines 43-46 and Fig. 1 reference number 12*) and a flexible wall part ("*back wall*" *Col 3 Line 49 and reference number 32*) connected to the tubular part (*Col 3 Lines 47-49*), which wall part, together with an end face of the tubular part bounds a recess in which a said display can be included while deforming the flexible wall part (*Col 3 Lines 42-45*).

Regarding Claim 5, Dion teaches a glare hood according to claim 4, wherein the flexible wall part, in unassembled condition, is bent (*Col 4 Lines 14-17*).

Regarding Claim 6, Dion teaches a glare hood according to at least claim 4, wherein edges of the end face of the tubular part are arranged for abutment, at least after assembly, with the display (*Fig. 2 shows the edges of the tubular part, marked 12,*

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*are abutted against the display, reference number 20 also Col 4 Lines 23-25 teach it is rigidly connected).*

Regarding Claim 7, Dion teaches a glare hood according to at least claim 4, wherein said flexible wall part interconnects two opposite walls of said tubular part (*Fig. 3 reference number 32 connected opposite walls, 16 and 18*).

Regarding Claim 8, Dion teaches a glare hood according to at least claim 4, wherein the tubular part tapers from the side of the flexible wall part (*as seen in Fig. 2*).

Regarding Claim 9, Dion teaches a glare hood according to claim 1, wherein the flexible material comprises rubber, for instance a synthetic rubber (*Col 3 Line 1*).

Regarding Claim 10, Dion teaches a glare hood according to at least claim 9, wherein said flexible material comprises neoprene® (*Col 3 Lines 1-2*).

Regarding Claim 13, Dion teaches a glare hood according to at least claim 4, wherein the tubular part has a height such that the display can be touched by the fingers, at least with the glare hood in assembled condition (*Fig. 2 shows the glare reducing apparatus assembled with the camera's display area, and shows the height being enough to touch the display*).

Regarding Claim 15, Dion teaches a glare hood according to claim 1, which hood consists substantially of said flexible material (*Col 3 Lines 1-6 teaches stretchable material*).

Claim 20, is a method claim for enabling the limitations covered in the paragraph addressing Claim 1 and is therefore similarly rejected.

Claim 21, is a method claim for enabling the limitations covered in the paragraph addressing Claim 2 and is therefore similarly rejected.

Regarding Claim 22, Dion teaches a method for manufacturing a glare hood according to at least claim 1, wherein at least a part of the glare hood is formed, by inserting a curable material and/or curable composition into a mold cavity and having it cure therein to form the glare hood part (*Col 3 Lines 25-26 teaches that the glare reducing apparatus, or glare hood, can be a molded product, which involves a curable material in a mold cavity to produce the desired shape product*).

Regarding Claim 23, Dion teaches a method according to claim 22, wherein said mold cavity is formed for forming substantially the entire glare hood (*Col 3 Lines 25-26*).

Regarding Claim 24, Dion teaches a mold, evidently intended and suitable for use in a method according to claim 22, which mold comprises said mold cavity (*Col 3 Lines 25-26 teaches the apparatus could be a molded product, since the apparatus extends outward, the mold must be a cavity to produce such a product*).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dion et al. (US 6419367).

Regarding Claim 11, Dion teaches a glare hood according to at least claim 9, is comprised of rubber (*Col 3 Line 1*) but fails to teach the material comprises silicone rubber. Official notice is taken that silicone rubber is a well-known and commonly used flexible material. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion to replace rubber with silicone rubber since this modification would lead to optimized sealing of the surfaces contacting the silicone rubber and could be air-tight or waterproof.



Regarding Claim 12, Dion teaches a glare hood according to claim 1, wherein the flexible material is dark (*Col 3 Lines 53*) but fails to teach the material is black. Official notice is taken that the dark material that does not reflect light can be a black material and it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion to specifically use a black color material as the color for Dion's dark light-blocking material since this modification would yield a sharper image with minimized defects due to reflection or contact with light.

Regarding Claim 14, Dion teaches a glare hood according to claim 1 but fails to teach a rough surface facing the display. Although Dion does not specifically teach the surface being rough, official notice is taken that the surface can be a rough surface in order to prevent sliding from a smooth surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the surface rough because this modification would allow the surface to provide grip and not slide against the contacting surface. This modification would improve stability of the apparatus.

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dion et al. (US 6419367) in view of Kordiak (US 6302546).

Regarding Claim 16, applicant claims a "blank" of a glare hood according to at least claim 1. Dion teaches that the apparatus taught could be folded into a collapsed

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configuration (*Col 4 Lines 14-17*), but is silent on the specifics of the “blank” or a template for the collapsed, two dimensional or flat, configuration.

Kordiak teaches a similar glare shield for a portable display screen. Fig. 16 shows the “blank”, or the flattened template” of the glare shield.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion with that of Kordiak to specifically teach the shape of Dion’s apparatus when it is unassembled in a collapsed configuration in order to give the shape or dimension for storage purposes.

Regarding Claim 17, Dion in view of Kordiak teach a blank according to claim 16, but fails to teach the blank of the glare hood. Kordiak teaches the blank and further teaches folding lines for folding the blank into the glare hood (*See Fig. 16, the lines such as at the line marked 222*). It would have been obvious to combine for the same reason stated in the paragraph regarding Claim 16.

Regarding Claim 18, Dion in view of Kordiak teach a blank according to claim 16, but fails to teach the blank of the glare hood. Kordiak teaches the blank and further teaches blank is provided with attachment parts for retaining the glare hood made from the blank in a position of use (*Fig. 15 and 16, reference numbers 240 and 242 show a place for attachment parts for retaining the glare hood of Fig. 15*). It would have been obvious to combine for the same reason stated in the paragraph regarding Claim 16.

Regarding Claim 19, Dion in view of Kordiak teach a blank according to at least claim 16, but fail to teach specifics of the blank such as disconnecting lines, for instance cutting lines, perforation lines and/or tearing lines, for separating different wall parts of the glare hood from each other before these wall parts are attached to each other for forming the glare hood. Features such as disconnecting, cutting, and folding parts of a two-dimensional flat template into a three dimensional apparatus are extremely well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Dion in view of Kordiak to add the well known limitations of Claim 19 because these are well known steps for constructing a two dimensional template into a three dimensional apparatus such making simple folds and cuts to the template of Fig. 16 of Kordiak into the apparatus of Fig. 15.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Giulie et al. (US 5905546) teaches a detachable visor for shielding a monitor from glare. Keehn et al. (US 5803424) teaches an adjustable hanger for mounting an anti-flare filter on a monitor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy Hsu whose telephone number is 571-270-3012. The examiner can normally be reached on M-F 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amy Hsu  
Examiner  
Art Unit 2622

ARH 9/15/07

  
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PRIMARY EXAMINER